

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DAVID AND RENEE HENRY, individually and as guardians and parents of S.J.K.H, a minor</b>  <b>v.</b>  <b>SCHOOL DISTRICT OF PHILADELPHIA and DANIEL J. LAZAR, in his official and individual capacities</b>	<b>CIVIL ACTION</b>  <b>NO. 19-1115</b>
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**ORDER**

**AND NOW**, this 19th day of January, 2021, upon consideration of Defendants' Second Motion to Dismiss (ECF 18) and Plaintiffs' Response thereto (ECF 19), and for the reasons given in the accompanying Memorandum, it is hereby ORDERED that the Motion to Dismiss is DENIED, as to Count III; and GRANTED, with prejudice, as to Count VIII.

**BY THIS COURT:**

**s/ Michael M. Baylson**

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**MICHAEL M. BAYLSON**  
**United States District Court Judge**